



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

RUSSELL K. HILL

PLAINTIFF

v.

2:23-cv-00135-KS-MTP

WARDEN C. LODEN

RESPONDENT

ORDER

This cause came before this Court to be heard upon the Report and Recommendation of the United States Magistrate Judge entered herein on July 31, 2024, after referral of hearing by this Court, no objections having been filed as to the Report and Recommendation, and the Court, having fully reviewed the same as well as the record in this matter, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that to the extent Respondent's Motion to Dismiss [15] seeks dismissal of the petition for writ of habeas corpus [1] as an unauthorized successive §2254 Habeas Petition, the Motion [15] is GRANTED and;

Petition 1 is DISMISSED WITHOUT PREJUDICE to Petitioner's right to seek leave from the United States Court of Appeals for the Fifth Circuit to file a successive §2254 Habeas Petition pursuant to §2244(b)(3)(A). A separate judgment will be entered herein, in accordance with this order as required by Rule 58 Federal Rules of Procedure.

SO ORDERED, this the 27th day of August 2024.



KEITH STARRETT
SENIOR UNITED STATES DISTRICT JUDGE